

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

PAMELA WALKER and BRENT HOUSER,
individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

4:07-cv-14-SEB-WGH

FLOYD COUNTY, INDIANA,
DARRELL MILLS, individually
and in his official capacity as
Floyd County Sheriff,
RANDY HUBBARD, individually
and in his official capacity as former
Floyd County Sheriff,
STEVE KNIGHT, individually
and in his official capacity as
Floyd County Jail Commander, and
JOHN and JANE DOES, Nos. 1, 2 and 3,
individually and in their official capacities
as medical professionals, officers and
employees of the Floyd County Jail,

Defendants.

**ORDER ON MOTION TO COMPEL INSPECTION
OF THE FLOYD COUNTY DETENTION CENTER**

This matter is before the Honorable William G. Hussmann, Jr., United States Magistrate Judge, on Plaintiffs' Motion to Compel Inspection of the Floyd County Detention Center filed December 11, 2007. (Docket Nos. 60-61). Defendants' Response to Motion to Compel was filed December 27, 2007. (Docket No. 63). Plaintiffs' Reply in Support of Motion to Compel was filed

January 7, 2008. (Docket No. 64). The parties argued the motion during the telephonic status conference held before the Magistrate Judge on January 9, 2008.

The Magistrate Judge, being duly advised, now **GRANTS, in part,** Plaintiffs' Motion to Compel, as follows:

1. The Plaintiffs' inspection shall be limited to two attorneys, one videographer, one physician, and one jail expert, who must attend the inspection at the same time.

2. The inspection and videotaping and/or photographing shall be limited to the following areas:

- (a) one representative communal cell;
- (b) one representative isolation cell;
- (c) one representative shower or toilet area;
- (d) one representative common room;
- (e) the laundry;
- (f) the kitchen;
- (g) the maintenance room; and
- (h) the health clinic or medical room.

3. The date and time of the inspection shall be at such time as is reasonably acceptable to the ongoing operations of the Floyd County Detention Center.

4. No videotaping and/or photographing shall be done in a manner in which the identity of any current inmate is shown. In the event such identifies are inadvertently videotaped and/or photographed, the videotape and/or photograph shall be produced in a manner in which the name and/or face of a current inmate cannot be identified.

5. The inspection, videotaping, and photographing of the facility shall not include the right to question or interview current inmates of the facility.

6. Any and all videotapes and/or photographs of the Detention Center may be disclosed only to Plaintiffs' counsel and the expert witnesses and employees who assist Plaintiffs' counsel in the litigation of this case. All videotapes and/or photographs shall not be copied except as is necessary to provide the opposing parties with a copy of those items.


7. Confidential information obtained during the inspection may not be incorporated in or attached to a pleading or other document that is filed unsealed with the Court or offered into evidence in any in-court proceeding without prior Court approval.

8. Plaintiffs' and their counsel are hereby prohibited from using or disclosing any information obtained during the inspection for any purpose other than this litigation and shall return all videotapes and/or photographs to the Defendants or destroy such information at the end of this litigation.

In all other respects, the Plaintiffs' Motion to Compel is **DENIED**.

SO ORDERED.

Dated: January 18, 2008



WILLIAM G. HUSSMANN, JR.
Magistrate Judge

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